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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

10
11 JOANNE LECZNAR,
12 Plaintiff,
13 vs.

14 E.F. HUTTON & COMPANY, INC.
15 AND DESIGNATED AFFILIATES'
16 GROUP LTD EMPLOYEES
17 BENEFITS PLAN; E.F. HUTTON &
COMPANY, INC. AND
DESIGNATED AFFILIATES' GROUP
LIFE INSURANCE PLAN,

18 Defendant.

CASE NO. 1:05 CV 143 DWW (LJo)
**STIPULATION AND ORDER
TERMINATING ACTION**

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Case No. 1:05 CV 143 DWW (LJo)
STIPULATION AND PROPOSED ORDER
DISMISSING CASE AND PLACING PLAINTIFF
BACK ON CLAIM

1 COMES NOW, Defendant E.F. Hutton & Company and Designated
2 Affiliates' Long Term Disability Employees Benefits Plan (the "LTD Plan") and
3 Plaintiff Joanne Lecznar ("Plaintiff") by and through their respective counsel and
4 stipulate as follows:

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6 1. WHEREAS, Plaintiff became disabled from her employment at E.F.
7 Hutton and Company in or around 1982 due to a diagnosis of relapsing and
8 remitting multiple sclerosis.

9
10 2. WHEREAS, Plaintiff submitted a claim under the LTD Plan and was
11 paid disability benefits by the LTD Plan from 1982 through 2003.

12
13 3. WHEREAS, Plaintiff's claim was terminated by the LTD Plan on about
14 March 5, 2003 and as a result of said termination of benefits, plaintiff filed the
15 present lawsuit.

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17 4. WHEREAS, the parties now wish to settle this lawsuit by stipulating
18 and agreeing as follows:

19
20 A. Defendant agrees to reinstate Plaintiff's disability benefits under
21 the LTD Plan and pay all back benefits due to her under the LTD Plan from
22 February 28, 2003 through September 28, 2005 (plus interest) on the basis that she
23 has met the requirements for disability under the terms of the LTD Plan;

24
25 B. Plaintiff's claim will be remanded back to the LTD Plan's
26 administrator (Hartford Life Insurance Company) for processing and she will be
27 paid future LTD benefits so long as she remains eligible under the terms of the LTD

1 Plan and the Employee Retirement Income Security Act of 1974 ("ERISA"); and,

3 C. Each side to bear its own costs and attorneys' fees in this action.

5 DATED: _____, 2005 ROBERT J. ROSATI, ATTORNEY AT LAW

8 By: /S/ Robert J. Rosati
ROBERT J. ROSATI
9 Attorneys for Plaintiff JOANNE LECZNAR

10 DATED: _____, 2005 GALTON & HELM LLP
11 MICHAEL B. BERNACCHI

13 By: /S/ Michael B. Bernachi
MICHAEL B. BERNACCHI
14 Attorneys for HARTFORD LIFE
15 INSURANCE COMPANY

16 **O R D E R**

18 Good cause appearing, IT IS ORDERED that:

20 1. Defendant reinstate Plaintiff's disability benefits under the LTD Plan
21 and pay all back benefits due to her under the LTD Plan from February 28, 2003
22 through September 28, 2005 (plus interest) on the basis that she has met the
23 requirements for disability under the terms of the LTD Plan;

25 2. Plaintiff's claim for future LTD benefits under ERISA will be
26 remanded back to the LTD Plan's administrator (Hartford Life and Accident
27 Insurance Company) and she will be paid future LTD benefits so long as she

1 remains eligible under the terms of the LTD Plan and the Employee Retirement
2 Income Security Act of 1974 ("ERISA"); and,

3 3. Each side to bear its own costs and attorneys' fees in this action.

4 4. The Judgment attached to this stipulation as Exhibit "A" will be entered
5 by the Clerk forthwith.

6 DATED: October 25, 2005____

7 /s/ OLIVER W. WANGER

8 United States District Court Judge

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